IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8212 OF 2005

Gokhale Institute of
Political & Economics
& Ors. . .. Petitioners.

vs.

Premkrishna Twiddi & Ors. .. Respondents.

Mr. P.B. Shah for petitioners.
Mr. R.S. Apte for respondents nos. 1 to 4.
Ms. V.S. Mhaispurkar, AGP. for te state.

CORAM : S.U. KAMDAR, J.
DATE : 6th December, 2005.

P.C.:

. The present petition is filed by two persons who are the employees of Gokhale Institute of Political & Economics. The said Gokhale Institute is run by the trustees. The respondents are the trustees of the said Gokhale Institute. The petitioner nos. 1 and 2 are the employees of Gokhale Institute of Politics and Economics. They are the salaried employees. The petitioner no. 1 is appointed as the Director whereas the petitioner

no. 2 is appointed as the Registrar. By filing the present petition, they are challenging the order passed by the Charity Commissioner dated 14.11.205 in respect of the affairs of the trust under section 41 (a). Under section 41 (a) of the Bombay Public Trusts Act, the Charity Commissioner has power to issue directions to the trustees. By the impugned order the direction given by the Charity Commissioner under Section 41 (a) is only that the applicants who are the respondents herein and trustees of the said trust shall be permitted to perform all lawful and needful activities which are necessary for opponent institution for control and administration of the trust. In my opinion, the direction given are innocuous as it is well settled that the trustees are entitled to run, manage and govern the institution. The petitioners who are paid employees are seeking to challenge the said direction by contending that it is they who are to run and manage the said institution and not the trustees by relying upon the Memorandum of Association and Rules of the Institute. The petitioners being the paid employees of the respondent trust cannot obstruct the activities of the trust in management and administration of the said trust. In that view of the matter, there is no substance in the petition. The same is dismissed. No order as to costs.